

Trial Court Unification

To date, 55 of 58 counties have voted to unify their trial court operations. Trial court unification allows trial court administration to become more efficient and, as a result, increases public access to the justice system.

The Administrative Office of the Courts has initiated a study to analyze the initial impact of trial court unification. Recognizing that most courts have been unified for a short time, the study is intended to identify initial changes and successes achieved through unification and remaining challenges facing trial courts. The study is scheduled for completion in mid-2000.

SENATE CONSTITUTIONAL AMENDMENT 4

Senate Constitutional Amendment 4 (SCA 4) provided for voluntary unification of the superior and municipal courts in California's counties. It permitted a majority of the superior court judges and a majority of the municipal court judges within a county to vote on whether or not to create a unified superior court.

Authored by Senator Bill Lockyer, SCA 4 was passed by the Legislature in June 1996. As a proposed constitutional amendment, the measure had to appear on the statewide ballot and receive a majority vote to take effect.

California voters passed SCA 4 as Proposition 220 in June 1998, and it became effective immediately, on June 3, 1998. Amended

legislation, California Rules of Court, and Judicial Council forms that implemented the measures also went into effect on that date.

MAJOR PROVISIONS

In addition to providing a local option for merging municipal courts into the superior court of each county, SCA 4:

- Established an appellate division in each unified superior court to hear matters currently within the appellate jurisdiction of the superior court;
- Required any newly appointed judge of a unified superior court to be a member of the State Bar for at least 10 years immediately preceding appointment; and
- Provided for the countywide election of the superior court judges of the unified courts, except as modified to meet federal Voting Rights Act requirements.

Among other changes affecting judges and court administration under unification:

- Municipal court judgeships were "abolished," and the existing municipal court judges became superior court judges; the terms of municipal court judges were not affected by unification.
- Municipal court judges who became superior court judges were exempt from the constitutional requirement that they serve 10 years as State Bar members or as judges before they could become a superior court judge.

- Municipal court officers, employees, facilities, records, and pending matters became those of the unified superior court, unless otherwise provided by statute.

BENEFITS

The 1994 National Center for State Courts’

California Unification Study determined that unification:

- Allows for more efficient allocation of judicial officers, including subordinate judicial officers;
 - Gives courts the flexibility to establish and provide appropriate but less expensive means of dispute resolution, thereby promoting efficiency and improved public service;
 - Provides more uniformity in rules, enhancing efficiency and consistency in court procedures;
 - Improves caseload management by, among other means, allowing courts to pool judicial resources, encouraging a common courtwide caseload management policy, and reducing attorney scheduling conflicts;
 - Improves the quality of information while creating efficiencies and savings by, for example, ending the costly practice of having parallel, noninteractive, and overlapping computer systems within the county; and
 - Provides greatly improved management of court resources through the establishment of a single budget for the courts within each county,
- efficiencies in purchasing, and a common statewide set of accounting and budget classifications that facilitates policy-making decisions.
- Merging court management offices and supervisory staff produces small immediate savings by consolidating top management functions and by reducing staff-supervisor ratios; in the process, a single management policy-making structure can be created.
 - The use of existing facilities can be maximized by adapting facilities to operational needs—for instance, placing consolidated criminal case processing at a location near detention facilities; permitting a phaseout of marginal and rented facilities (although traffic and topographical patterns need to be considered); and encouraging more rational planning and financing for facility needs.
 - Court-related agencies such as the prosecutor, public defender, and sheriff have to cover fewer court sessions and locations. The immediate benefits are most clearly felt in prisoner transportation costs.

ADMINISTRATIVE CHANGES

Other benefits of trial court unification, according to the NCSC study, include the following:

OVERVIEW

Trial court unification is not a new concept. As far back as 1906, Roscoe Pound (dean of the Harvard Law School) noted that the American court system was archaic in its multiplicity of courts, preservation of concurrent jurisdictions, and waste of judicial power. Those observations set the stage for trial court unification in this country.

At the national level, the American Bar Association (ABA) led the move toward unification.

In California, the concept surfaced in December 1992, when then Senator Bill Lockyer introduced Senate Constitutional Amendment 3 (SCA 3). SCA 3 would have unified all existing superior and municipal courts into a single "district" court in each county. Ultimately, SCA 3 did not receive sufficient votes in the Legislature and therefore was not placed on the November 1994 ballot.

Senator Lockyer introduced SCA 4 at the beginning of the 1995–1996 Legislative Session. Discussions with the Judicial Council resulted in substantial amendments to SCA 4, including an amendment to authorize the superior and municipal courts of individual counties to decide locally whether to unify their courts, rather than requiring immediate unification statewide.

Unlike SCA 3, SCA 4 placed control with the courts, allowing them to determine the best means of managing their own court system on the basis of local circumstances and needs.

The 27-member Judicial Council is the policymaking body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council.